

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE CASEY CAMPBELL

§ CIVIL ACTION NO. 4:21-cv-00881-P

**PLAINTIFF CASEY CAMPBELL’S MOTION FOR SUMMARY JUDGMENT
AND MOTION TO ALLOW DISCOVERY**

Plaintiff Casey Campbell moves for summary judgment on his religious discrimination claim under Title VII against Defendant Merrick Garland, Attorney General of the United States, and he moves the Court to allow discovery so he may offer evidence on appropriate injunctive relief to remedy the hostile work environment created by Defendant William Onuh’s religious discrimination and harassment and by Defendant Garland’s long-standing refusal to remedy the hostile work environment.

Relief Sought

1. Plaintiff Campbell requests summary judgment on his religious discrimination claim under Title VII against Defendant Garland and he asks the Court to open discovery in this action.

Basis for the Motion

Summary Judgment

2. Defendant Garland admits Plaintiff was subjected to illegal discrimination and harassment by Defendant Onuh and other Federal Bureau of Prisons employees at Federal Medical Center - Carswell in Fort Worth, Texas; both “Defendants admit that on May 16, 2019, the Department of Justice (“DOJ”)’s Complaint Adjudication Office (“CAO”) issued a Final Agency Decision regarding

Plaintiff's May 2017 EEO complaint, finding that the record supported a claim of discrimination based on religion, and finding that Plaintiff was eligible for compensatory damages and reasonable attorney's fees"; and both "Defendants admit that the May 16, 2019 CAO Final Agency Decision ordered the BOP to "take immediate steps to remedy the harassment and take steps reasonably calculated to prevent future harassment, consistent with 29 C.F.R. § 1614.501(a)(2)".

3. As is fully explained in Plaintiff's Brief in Support of Motion for Summary Judgment, the judicial admissions by Defendants warrant a finding of liability as to Defendant Garland on Plaintiff Casey Campbell's Title VII claims of religious discrimination and harassment by Defendant Onuh.

Discovery

4. As explained in greater detail in his Brief, Plaintiff Campbell also asks the Court to allow discovery in this action so he can discover and then present evidence on the appropriate injunctive relief that should be crafted by the Court to remedy the hostile work environment created by Defendant Onuh's continuing, religious discrimination and harassment, which Defendant Garland failed to remedy despite the requirements of Title VII and the May 16, 2019 Final Agency Decision.

CERTIFICATE OF CONFERENCE

5. On September 26, 2021, counsel for Plaintiff emailed Defendants' counsel, Sarah Delaney, and Defendant Onuh's counsel, William Araiza, to inquire as to the Defendants' position on re-opening discovery in this case, because the qualified immunity defense raised by Defendant Onuh is addressed only to the damages claim against Defendant Onuh personally. Plaintiff Campbell seeks discovery to prosecute his other claims, regardless of the outcome on Defendant Onuh' qualified immunity arguments. On September 27, 2021, counsel for Plaintiff telephoned Defendants' counsel,

Sarah Delaney, and Defendant Onuh's counsel, William Araiza, to determine their position on re-opening discovery. Plaintiff's counsel was unable to speak with either Ms. Delaney or Mr. Araiza, but he assumes they are opposed to the relief requested as to discovery. No conference is required on the summary judgment motion. These motions are submitted for the Court's consideration.

WHEREFORE, Plaintiff Casey Campbell requests the Court summary judgment as to Defendant Garland's liability for the religious discrimination and harassment inflicted upon Plaintiff by Defendant Onuh, and thereafter, allow Plaintiff Campbell discovery in this action.

Respectfully submitted,

s/ *William J. Dunleavy*

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CERTIFICATE OF FILING AND SERVICE

I certify that on September 27, 2021, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court Northern District of Texas, using the electronic case filing system of the court. The electronic filing system sent a “Notice of Electronic Filing” to Sarah E. Delaney: sarah.delaney@usdoj.gov, who is attorney of record for Defendant Garland and Defendant Onuh, who have consented to accept this service of pleadings by electronic means. I also emailed a copy of this pleading to William Araiza.

s/ *William J. Dunleavy*
William J. Dunleavy